

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF WEST VIRGINIA

KATHERINE A. HOOVER, as the
duly appointed Administrator of
the Estate of Michael Tomasic,
deceased,

Plaintiff,

vs.

Civil Action No. 1:07CV47
(Judge Keeley)

GEORGE TRENT, Administrator,
North Central Regional Jail,
et. al.,

Defendants.

ORDER GRANTING PLAINTIFF'S MOTION FOR LEAVE TO FILE AND
MOTION TO CONTINUE HEARING

On July 19, 2007, the plaintiff, Katherine Hoover ("Hoover"), filed a notice of substitution of counsel. (Doc. No. 23.) Thereafter, on July 24, 2007, Hoover, by her recently retained attorneys, filed a motion to continue the motions hearing set for July 30, 2007. (Doc. No. 25.) Hoover also filed a motion for leave to file out-of-time responsive briefs to motions pending before the Court. (Doc. No. 24.) Because Hoover's previous counsel had not fully briefed those pending motions, her recently noticed attorneys seek leave to file the following:

- Plaintiff's memorandum in opposition to the defendants' motion for leave to file an answer;
- Plaintiff's reply in support of its motion for default judgment on liability; and
- Plaintiff's memorandum in opposition to the defendants' motion to set aside default.

On July 25, 2007, the defendants filed responses in opposition to both Hoover's motion to continue and motion for leave to file. (Doc. Nos. 26 & 27.) The defendant's argue that Hoover should be

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bound by her former attorneys' litigation strategy and that there are no grounds to support the relief she seeks at this time.

This case is in the earliest stages of litigation and pending before this Court is the potentially dispositive issue of whether default judgment on liability should be entered. Given plaintiff's counsels' recent notice of appearance, the Court finds no prejudice to either party by allowing full briefing of the issues before it.

Accordingly, the Court **GRANTS** Hoover's motion for leave to file out-of-time briefs (doc. no. 24), and **ORDERS** that Hoover file the specific documents set forth above, if at all, within seven (7) business days of entry of this Order. Further, the Court **ORDERS** the defendants to file any necessary reply briefs within seven (7) business days of the filing of any responsive brief by the plaintiff. Finally, the Court **GRANTS** Hoover's motion to continue the July 30, 2007 hearing (doc. no. 25), and **RESCHEDULES** that hearing for **Thursday, August 23, 2007 at 2:00 p.m.** at the **Clarksburg, West Virginia**, point of holding court.

It is so **ORDERED**.

The Clerk is directed to transmit copies of this Order to counsel of record.

DATED: July 27, 2007.

/s/ Irene M. Keeley

IRENE M. KEELEY

UNITED STATES DISTRICT JUDGE